

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL CASE NO. 3:17-cv-00311-MR**

WILLIE T. KELLY, JR.,)	
)	
Plaintiff,)	
)	
vs.)	
)	
GEORGE T. SOLOMON, et al.,)	<u>ORDER</u>
)	
Defendants.)	
)	

THIS MATTER is before the Court *sua sponte*.

The incarcerated Plaintiff filed this action pursuant to 42 U.S.C. § 1983 addressing incidents that allegedly occurred at the Lanesboro Correctional Institution.¹ [Doc. 1]. The Amended Complaint passed initial review on claims of excessive force, deliberate indifference to a serious medical need, and retaliation against several Defendants. [See Doc. 18]. Following the parties' filing of dispositive motions, all claims were dismissed except for a claim that Defendant Codi Laur, a correctional officer at Lanesboro C.I., used excessive force against Plaintiff. [See Doc. 86]. A Status Conference came

¹ Plaintiff initially proceeded *pro se*. Richard Jeremy Sugg entered a Notice of Appearance on January 27, 2020 pursuant to the Prisoner Assistance Program. [See Doc. 90].

before Judge Frank D. Whitney on February 6, 2020, at which time defense counsel represented that Defendant Laur was unavailable for trial through late September 2020 due to National Guard deployment. Accordingly, the case was stayed and a jury trial was anticipated to commence before Judge Whitney on November 2, 2020. [See Doc. 91].

This case has now been reassigned to the undersigned. The parties will be ordered to file a Status Report by October 26, 2020, addressing whether Defendant Laur is now available so that this case may resume, and whether the parties would like to participate in a court-hosted settlement conference. Should this case proceed to trial, it is likely that a trial date will not be available until January 2021, at the earliest.

IT IS, THEREFORE, ORDERED that the parties shall file, by **October 26, 2020**, a Status Report indicating whether Defendant Laur is now available and whether they would like to participate in a settlement conference.

Signed: October 1, 2020

IT IS SO ORDERED.



Martin Reidinger
Chief United States District Judge

